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10/21/2003

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EXAMINER

NGUYEN, KIMBERLY D

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 10/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/086,764

Applicant(s)

METCALF ET AL.

Examiner

Kimberly D. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7, 34-47, 58-66, 78-86 and 176-203 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

- 6) ☒ Claim(s) 1-7, 34-47, 58-66, 78-86, and 176-203 is/are rejected.

- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Amendment***

1. Acknowledgement is made of Amendment filed 16 April 2003.

### ***Claim Objections***

2. Claim 176 is objected to because of the following informalities:

- Claim 176, lines 1-2: Substitute "the vending of a good or service" with "a vending of a good or service".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-7, 176-189 are rejected under 35 U.S.C. 102(b) as being anticipated by Sharrard (US 5,722,526; hereinafter "Sharrard").

Re claims 1-2, 6-7, 183-184: Sharrard teaches a method for determining information about a consumer prior to enabling the vending of a good or service from a machine having all of the elements and means as cited in claim 1. For example, Sharrard teaches a method for determining information about a consumer prior to enabling the vending of a good or service from a machine, comprising: receiving a form/identification-card containing information about the consumer at the machine 5 (figs. 1-3; abstract; col. 2, lines 45-62); optically analyzing (i.e., using an optical reader to read/interpret/compare the information, such as birth date, on the

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identification card, such as a driver's license; see col. 2, lines 62-67) the form/identification-card to electronically determine information about the consumer (figs. 1-3; col. 2, line 62 through col. 3, line 2); and enabling the vend on the basis of the information (figs. 1-3; col. 3, line 44 through col. 4, line 4).

Re claims 3-5, 178-182, 185-189: Sharrard teaches a method for determining information about a consumer prior to enabling the vending of a good or service from a machine, wherein optically analyzing the form/identification-card comprises scanning the form/identification-card for a birth date on the driver's license, which serves as to produce an image, and compare the birth date on the driver's license with the current date (col. 1, line 63 through col. 2, line 14; col. 3, line 63 through col. 4, line 4).

Re claims 176-177: Sharrard teaches a method for determining information about a consumer prior to enabling a vending of a good or service from a machine, comprising:

receiving a form/identification-card containing information about the consumer at the machine, wherein the form is one of a plurality of different types of forms (i.e., **one** of a plurality of different types of forms is a form of a driver's license) receivable by the system;

optically analyzing (i.e., using an optical reader to read/interpret/compare the information, such as birth date, on the identification card, such as a driver's license; see col. 2, lines 62-67) the form to electronically determine which type of form (i.e., the type of form is a driver's license) has been received by the system and to electronically determine information about the consumer (figs. 1-3; col. 2, line 62 through col. 3, line 2); and

enabling the vend on the basis of the information (figs. 1-3; col. 3, line 44 through col. 4, line 4).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 34-38, 43-47, 190-194, 196, 199-203 are rejected under 35 U.S.C. 103 as being unpatentable over DeBan et al. (US 5,386,103; hereinafter "DeBan") as modified by Muehlberger et al. (US 6,032,859; hereinafter "Muehlberger").

Re claims 34, 190, 196: DeBan teaches a system comprising: at least one terminal 14 containing a form/check reader 24 capable of taking a magnetic ink character recognition of a consumer identification form (figs. 1-3; col. 3, lines 7-20), wherein the form is one of a plurality of different types of forms (i.e., **one** of a plurality of different types of forms is a form of a driver's license) receivable by the system (as set forth in claim 190); and at least one memory device 42, 44 within the at least one terminal 14 for storing templates to assist in the analysis of the optical image to determine which type of form (i.e., the type of form is a driver's license) has been received by the system and to determine consumer information therefrom (figs. 1-3; col. 1, line 58 through col. 2, line 2; col. 3, lines 35-55).

DeBan fails to teach or fairly suggest the card reader for taking an optical image.

Muehlberger teaches a card reader 20, which accepts an optical image (fig. 1; col. 2, line 54 through col. 3, line 4).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the notoriously old and well known optical card/reader that takes an optical image as taught by Muehlberger into the teachings of DeBan in order to adapt the contactless card detection system to DeBan's system to further provide a user friendly system and to avoid the cumbersome task for the users to consciously/correctly insert the card into the card reader for every transaction he/she has to complete. Furthermore, the modified system of DeBan can detect/read the card itself from a predefined/predetermined distance without the mechanics of transporting the card within the system, and thus the wear-and-tear on the card will be greatly reduced.

Re claims 35-38, 43-47, 191-194, 199-203: DeBan teaches a system, further comprising a server/CPU 26 in communication with the at least one terminal (figs. 1-2; col. 3, line 35 through col. 4, line 15).

7. Claims 39-40 and 195 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeBan as modified by Muehlberger as applied to claim 34 above, and further in view of Sharrard. The teachings of DeBan as modified by Muehlberger have been discussed above.

DeBan as modified by Muehlberger fails to teach or fairly suggest a vending machine terminal, and the terminal including an enabling circuit for receiving the consumer information for enabling the vending of goods or services from the terminal.

Sharrard teaches a vending machine 5, including an enabling circuit for receiving the consumer information for enabling the vending of goods or services from the terminal (figs. 1 and 3; abstract; col. 3, line 44 through col. 4, line 4).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the notoriously old and well known vending machine with enabling circuit as taught by Sharrard to the teachings of DeBan as modified by Muehlberger in order to employ a vending system with a more informative data/information and up-to-date data/information to the operator for future references.

8. Claims 41-42, 197-198 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeBan as modified by Muehlberger as applied to claim 34 above, and further in view of Shin (US 6,196,460; hereinafter "Shin"). The teachings of DeBan as modified by Muehlberger have been discussed above.

DeBan as modified by Muehlberger fails to teach or fairly suggest a gas pump terminal wherein the terminal includes an enabling circuit for receiving the consumer information for enabling the vending of goods or services from the terminal.

Shin teaches an age verification device 11, which may be used in a gas station (fig. 1; col. 3, lines 15-40; col. 4, line 60 through col. 5, line 6).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the notoriously old and well known verification system for a gas station and enabling the vending of gasoline accordingly as taught by Shin to the teachings of DeBan in order to employ a vending system with a more informative data/information and up-to-date data/information to the operator for future references.

9. Claims 58-59, 78-79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rademacher (US 5,450,938; hereinafter "Rademacher") as modified by Muehlberger and Sharrard.

Rademacher teaches a method for allowing a consumer to pay for a good or service having a purchase price at a vending machine using a system, the method comprising: receiving at the system consumer account registration information to establish at least one electronic consumer account accessible by the system (col. 9, lines 23-27); receiving a form/card 25 containing information about the consumer into the vending machine (fig. 2; col. 3, lines 6-18); and using the information to electronically charge the purchase price from the at least one consumer account (col. 9, lines 8-22).

Rademacher fails to teach or fairly suggest the means for optically analyzing the form to electrically determine information about the consumer.

Muehlberger teaches a card 22, which is optically analyzed to electrically determine information about the consumer (fig. 1; col. 2, line 54 through col. 3, line 4).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the notoriously old and well known optical card/reader system as taught by Muehlberger to the teachings of Rademacher in order to adapt the contactless card detection system to DeBan's system to further provide a user friendly system and to avoid the cumbersome task for the users to consciously/correctly insert the card into the card reader for every transaction he/she has to complete. Furthermore, the modified system of DeBan can detect/read the card itself from a predefined/predetermined distance without the mechanics of transporting the card within the system, and thus the wear-and-tear on the card will be greatly reduced.

Rademacher as modified by Muehlberger fails to teach or fairly suggest the form does not comprise a credit or debit card.



Sharrard teaches a vending system, wherein the form/identification-card is a driver's license, which is not a credit or debit card (col. 1, line 63 through col. 2, line 5).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ driver's license as identification card as taught by Sharrard to the teachings of Rademacher as modified by Muehlberger in order to allow the vending system to accept different type(s) of form/card to further provide a more user friendly vending system (i.e., to accept driver's license card) to the customer.

10. Claims 60-64 and 80-83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rademacher as modified by Muehlberger as applied to claim 58 above, and further in view of Sharrard. The teachings of Rademacher as modified by Muehlberger have been discussed above.

Re claims 60-62 and 80-82: Although, Muehlberger teaches a card may be read by an optical character recognition (OCR) reader (fig. 1; col. 2, line 54 through col. 3, line 4); Rademacher as modified by Muehlberger is silent with respect to the card is selected from the group consisting of an identification card, a driver's license, a social security card, and a passport.

Sharrard teaches a vending system, wherein the identification card is a driver's license (abstract; col. 1, line 63 through col. 2, line 6; col. 4, lines 47-54).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the identification card which is a driver's license as taught by Sharrard to the teachings of Rademacher as modified by Muehlberger in order positively identify and authenticate the driver's license bearer prior to the completion of the transaction.

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Re claims 63-64 and 83: Rademacher teaches a debit account, which serves as a credit card account, for debiting and crediting purposes (col. 3, lines 6-18; col. 8, lines 30-48).

11. Claims 65-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rademacher as modified by Muehlberger as applied to claim 58 above, and further in view of Tedesco et al. (US 6,085,888; hereinafter "Tedesco"). The teachings of Rademacher as modified by Muehlberger have been discussed above.

Rademacher as modified by Muehlberger is silent with respect to the account comprising a plurality of accounts.

Tedesco teaches a subscription vending system, wherein each subscription account has each unique subscription/redemption code (figs. 3A-3B; col. 5, lines 44-50; col. 7, lines 14-24), wherein if a customer wants a plurality of subscriptions, he/she just purchase/select from the system.

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the plurality of accounts as taught by Tedesco to the teachings of Rademacher as modified by Muehlberger in order to diversify the account management to further allow an user to be able to earn more than one subscriptions.

12. Claims 84-86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rademacher as modified by Muehlberger and Sharrard as applied to claim 78 above, and further in view of DeBan. The teachings of Rademacher as modified by Muehlberger and Sharrard have been discussed above.

Rademacher as modified by Muehlberger and Sharrard fails to teach or fairly suggest server disposed between and in communication with the at least one terminal and the at least one integrated system.

DeBan teaches a system including a server/CPU 26 in communication with the at least one terminal (figs. 1-2; col. 3, line 35 through col. 4, line 15).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate a conventional server/host-unit as taught by DeBan to the teachings of Rademacher as modified by Muehlberger and Sharrard in order to employ a vending system with a more informative data/information and up-to-date data/information to the operator for future references.

### ***Response to Arguments***

13. Applicant's arguments with respect to claimed invention have been considered but are moot in view of the new ground(s) of rejection.

14. In response to Applicants' argument that "... Sharrard does not disclose sufficient details on how ID forms can be optically analyzed to make an assessment of information printed on them. In fact, Sharrard contains **no** disclosure of these details, but merely mentions optical analysis as a technique that can be used with his system..." (see page 14, 2<sup>nd</sup> paragraph, lines 1-4). The examiner respectfully submit that the claim language of "optically analyzing the form to electronically determine information about the consumer" also does not disclose sufficient details on how ID forms can be optically analyzed; therefore, given its broadest interpretation of "optically analyzing the form to electronically determine information ...", Sharrard still meets the claimed limitations as set forth in the claims.

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15. In response to Applicants' argument that "Claim 176 recites that the form received "is one of a plurality of different types of forms receivable by the system."" The examiner respectfully explain that "**one** of a plurality of different types of forms" means one type of form, which is a driver's license, is received by the system. Therefore, given its broadest interpretation, Sharrard, DeBan, Muehlberger, Shin, and Rademacher still meets claimed invention.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D. Nguyen whose telephone number is 703-305-1798. The examiner can normally be reached on Monday-Friday 7:30-4:30.

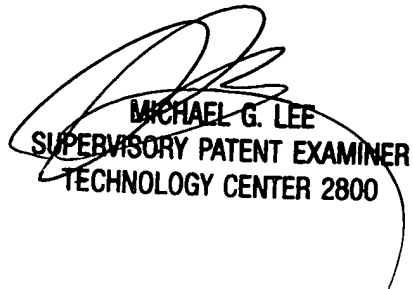
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 703-305-3503. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-8792.

KDN  
1 October 2003



MICHAEL G. LEE  
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